

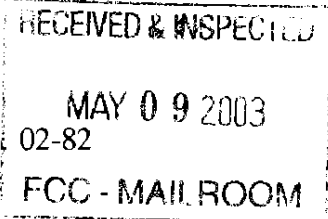
## Federal Communications Commission

DA 03-1440

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
)  
Amendment of Section 73.622(b), )  
Table of Allotments, )  
Digital Television Broadcast Stations. )  
(Burlington, Vermont) )

MB Docket No. 02-82  
RM-10408



**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: April 28, 2003**

**Released: May 8, 2003**

By the Chief, Video Division:

1. At the request of C-22 FCC Licensee Subsidiary, LLC ("C-22"), licensee of station WVNY-TV, NTSC channel 22, Burlington, Vermont, the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 7259 (2002), proposing the substitution of DTV channel 13 for station WVNY-TV's assigned DTV channel 16. Comments were filed by C-22 and Mt. Mansfield Television, Inc. ("Mt. Mansfield"), licensee of WCAX-TV, Burlington, Vermont. Reply comments were filed by C-22 and Vermont ETV, Inc. ("VETV"), licensee of four noncommercial education television stations (WETK, WVER, WVTB, and WVTA) in Vermont.<sup>1</sup>

2. In its comments, C-22 asserts that it is severely constrained in its ability to increase WVNY-TV's service due to the presence of Canadian television allotments and assignments. C-22 states that adoption of its proposed channel change would allow WVNY-TV to increase its audience by 29,000 persons over its present DTV allotment on channel 16. C-22 maintains that the allotment of DTV channel 13 meets all technical requirements with respect to pertinent domestic and Canadian television stations.

3. We believe the public interest would be served by substituting DTV channel 13 for DTV channel 16 since it will enable station WVNY-TV to increase the population it serves. DTV channel 13 can be allotted to Burlington, Vermont, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 44-31-40 N. and 72-48-58 W. Since the community of Burlington is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government was obtained for this allotment.

<sup>1</sup> Mt. Mansfield and VETV filed comments dealing with Canadian coordination issues. Both parties assert that the Commission should take steps to expedite the Canadian coordination process, noting that delays in receiving Canadian concurrences presents a major obstacle to the deployment of DTV throughout the United States.

We need not discuss Mt. Mansfield or VETV's comments since such issues are more appropriately addressed in established processes existing between the United States and Canada and are beyond the scope of this proceeding. *See, Letter of Understanding ("LOU") between the Commission and Industry Canada*, released September 29, 2000.

In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station WVNY-DT with the following specifications:

<u>State &amp; City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
VT Burlington	13	4.5	835	514

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective June 23, 2003, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Burlington, Vermont	13, *32, 43, 53

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, C-22 FCC License Subsidiary, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 13 in lieu of DTV Channel 16 for station WVNY-DT.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau